

COMBINED DECLARATION / POWER OF ATTORNEY

ATTORNEY DOCKET NO.: QCPA792

AS BELOW NAMED INVENTOR, I HEREBY DECLARE THAT: This Declaration is of the following type:

☒ Original
 ☐ Supplemental
 ☐ Continuation-In-Part
 ☐ Divisional
☐ Continuation
 ☐ National Stage of PCT

My residence, post office address and citizenship are as stated below next to my name: I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR MAXIMIZING THE USE OF AVAILABLE CAPACITY IN A COMMUNICATION SYSTEM** the specification of which:

☒ is attached hereto.
☐ was filed on _____ as Serial No. _____
☐ was amended on _____ (if applicable).
☐ was described and claimed in PCT International Application No. _____ filed on _____
 and as amended under PCT Article 19 on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

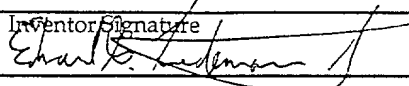
			Priority Claimed	
(Country)	(Application No.)	(Day/Month/Year/Filed)	(Yes)	(No)
(Country)	(Application No.)	(Day/Month/Year/Filed)	(Yes)	(No)

I hereby claim the benefit under Title 35 USC 120 of the United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 USC 112, I acknowledge the duty to disclose material information as defined in Title 37 CFR 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

(Serial No.)	(Filing Date)	(Status)
(Serial No.)	(Filing Date)	(Status)

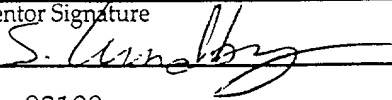
I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith: Russell B. Miller, Reg. No. 31,122, Gregory D. Ogrod, Reg. No. 30,880, Brian S. Edmonston Reg. No. 38,864, Charles D. Brown, Reg. No. 28,285, Thomas R. Rouse, Reg. No. 40,793, Bruce W. Greenhaus, Reg. No. 37,339, Kent Baker Reg. No. 38,822, Tom Streeter Reg. No. 32,007, Linli L. Golden, Reg. No. 40,622, Thomas M. Thibault, Reg. No. 42,281, Kyong H. Macek, Reg. No. 42,977 and/or Sean English, Reg. 37,319. Please direct all telephone calls to Russell B. Miller at (619) 658-4833 and address all correspondence to: Russell B. Miller, QUALCOMM Incorporated, 6455 Lusk Boulevard, San Diego, California 92121-2779.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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